IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

FAMILY COURT APPEAL NO. 44 OF 2006

ALONGWITH

CIVIL APPLICATION NO. 476 OF 2006

ASHOK S BHARTI ... APPELLANT.

VS.

SANTITA A. BHARATI ... RESPONDENT.

MANGESH M.D. PATEL FOR THE APPELLANT.

SIDHARTH KARPE H/F. YKS LEGAL FOR THE RESPONDENT.

CORAM: J.N.Patel & A.A.Sayed,JJ.

DATE : August 21, 2007.

P.C.

1. Heard the learned Counsel for the parties.

2. The learned Counsel for the parties submit that this Court may quash and set aside the impugned Order and direct that the matter be sent back to the Family Court, Pune, where matrimonial dispute is pending adjudication, to enable the parties to file the consent terms, a draft of which is tendered by the learned Counsel for the parties across the bar, duly signed by them. It is submitted that, as the parties have now worked out an amicable settlement out of Court, the matrimonial dispute pending before the Family Court can be disposed of accordingly and parties

would put an end to the litigation.

3. In view of this, we take the draft consent terms on record and mark the same as "X' for the purpose of identification. By consent the impugned Order is quashed and set aside.

4. The earned Counsel for the parties make a statement before this Court that the consent terms would be fled in the Family Court within a period of two weeks from today. Accepting the statement, this Court directs the Registrar (Judicial) to immediately despatch the record and proceedings to the Family Court at Pune, which would reach the Family Court, Pune, without fail, on or before 27th August, 2007.

5. We will highly appreciate that the Family Court would dispose of the matrimonial dispute pending before it as expeditiously as possible, on being presented with the consent terms duly signed by the parties and after satisfying itself about the requirements under Order XIII, Rule 3 of CPC for recording the consent terms.

6. In view of the fact that this Court has quashed and set aside the impugned Order, parties are free to file consent terms in the Family Court, so that the matter can be disposed of by the Family Court,in accordance with the terms and conditions recorded in the consent terms and a decree can be drawn up accordingly.

7. In view of the above circumstance, Appeal stands disposed of. The C.A. does not survive and the same is disposed of accordingly.

.....

[J.N.Patel, J.]

[A.A.Sayed, J.]